

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLEE**



PROSKAUER ROSE GOETZ & MENDELSON
ATTORNEYS
300 PARK AVENUE
NEW YORK, N. Y. 10022

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x

MARGARET MARY McDONNELL MURPHY, :

Plaintiff-Appellant, :

-against- :

McDONNELL & CO., INCORPORATED and :

76-7278

THE NEW YORK STOCK EXCHANGE by :

ROBERT W. HAACK, President, :

Defendants, :

-----x

JAMES F. McDONNELL, JR., individually, :

as Trustee under the Will of James F. :

McDonnell and as Executor of the :

Estate of Anna M. McDonnell, and :

CHARLES E. McDONNELL, as Executor of :

the Estate of Anna M. McDonnell, :

Plaintiff-Appellants, :

-against- :

THE NEW YORK STOCK EXCHANGE by :

ROBERT W. HAACK, THE NEW YORK STOCK :

EXCHANGE, INC., THE AMERICAN STOCK :

EXCHANGE by H. VERNON LEE, JR., :

Secretary, and McDONNELL & CO., INC., :

Defendants. :

-----x

BRIEF OF APPELLEE McDONNELL & CO., INC.

Appellant, the Estate of Anna M. McDonnell ("Anna McDonnell"), advances a lone reason in support of its contention

that the judgment in favor of Appellee McDonnell & Co., Inc. ("McDonnell & Co.") should be reversed (Appellants' Brief, pp. 38-40).

Since, in its brief, Appellee The New York Stock Exchange (the "Exchange") has responded to and completely disposed of Anna McDonnell's argument, in an effort to avoid unnecessary duplication, and pursuant to Rule 28(i) of the Federal Rules of Appellate Procedure, McDonnell & Co. adopts Point III C of the Exchange's brief and for the same reasons as are stated therein, respectfully requests that the judgment of the district court as to the claim of Anna McDonnell against McDonnell & Co. should be affirmed.

Dated: New York, New York
November 8, 1976

Respectfully submitted,

PROSKAUER ROSE GOETZ & MENDELSON
Attorneys for Appellee McDonnell
& Co., Inc.
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New York, New York 10022

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